

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CITY OF ALMATY, KAZAKHSTAN,  
and BTA BANK JSC

Plaintiffs,

v.

MUKHTAR ABLYAZOV, ILYAS  
KHRAPUNOV, VICTOR KHRAPUNOV  
and TRIADOU SPV S.A.,

Defendants.

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No. 15-cv-05345 (AJN) (KHP)

**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON  
THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

The United States District Court for the Southern District of New York (the "Court"), presents its compliments to the Ministry of Justice and Public Order of the Republic of Cyprus under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Convention"), and requests international judicial assistance to obtain evidence to be used in a civil proceeding before this Court in the above-captioned matter. This Court respectfully requests that the Ministry of Justice and Public Order recognize this Letter of Request and arrange for its execution, in adherence to the Hague Convention and in the interest of comity.

**A. Sender**

The Honorable Alison J. Nathan, United States District Judge for the Southern District of New York, New York, New York, United States of America.

The requested documents will be used by the parties in support of their claims or defenses. The Court accordingly respectfully requests a prompt response to this Letter of Request.

**I. HAGUE CONVENTION REQUIREMENTS**

This Court requests the assistance more specifically described herein as necessary in the interests of justice. In conformity with Article 3 of the Hague Convention, the undersigned applicant has the honor to submit the following request:

**A. Requesting Judicial Authority**

The Honorable Alison J. Nathan  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007, USA

**B. Central Authority of the Requested State**

The Ministry of Justice and Public Order  
125 Athalassas Avenue  
1461 Nicosia, Cyprus

**C. Name of the Case and Identifying Number**

All documents and materials requested will be used in relation to the above-captioned civil lawsuit, which can be identified by the following information:

Case Name: *City of Almaty, Kazakhstan, et al. v. Mukhtar Ablyazov, et al.*  
Court: United States Federal District Court for the Southern District of New York  
Case Number: 15-cv-05345 (AJN) (KHP)

**D. Names and Addresses of the Parties and their Representatives**

1. Plaintiffs

The City of Almaty, Kazakhstan (“Almaty”) and BTA Bank JSC (“BTA”) are, respectively, a political subdivision and a citizen of the Republic of Kazakhstan.

**E. Nature of the Proceedings and Summary of the Case and Relevant Facts**

The above-captioned case is a civil lawsuit brought by Plaintiffs under the United States statutory law and common law doctrines seeking money damages for injuries resulting from the alleged embezzlement and laundering of funds belonging to Plaintiffs and enforcement of a foreign judgment under New York law. *See* Exhibit A (Plaintiffs' Amended Crossclaims). Defendant Mukhtar Ablyazov is the former chairman of BTA Bank. Defendant Victor Khrapunov is the former mayor of the City of Almaty. Defendant Ilyas Khrapunov is Viktor Khrapunov's son. Defendant Triadou SPV S.A. ("Triadou") is an entity established in Luxembourg and allegedly controlled by Ilyas Khrapunov at the behest of Mukhtar Ablyazov.

Plaintiffs allege that Ablyazov and Viktor Khrapunov stole billions of dollars in Kazakhstan by abuse of their offices; Ablyazov through embezzlement from BTA Bank (*see* Ex. A, at ¶ 28-44), and Viktor Khrapunov through corruption of his office as Mayor of Almaty. *See* Ex. A, at ¶ 45-61. They are alleged to have then laundered some of the proceeds of their actions into the United States through a special purpose vehicle, Defendant Triadou. *See* Ex. A, at ¶ 77-97. Once those assets were discovered, they are alleged to have entered into transactions in the United States that caused further and distinct injuries to the Plaintiffs, including allegedly engaging in fraudulent conveyances that diminished the value of those assets.

The courts of the United Kingdom have already awarded BTA Bank billions of dollars in judgments against Ablyazov and his associates, and this Court has granted attachment of Triadou's assets in the State of New York. *See* Ex. B (Order of Attachment).

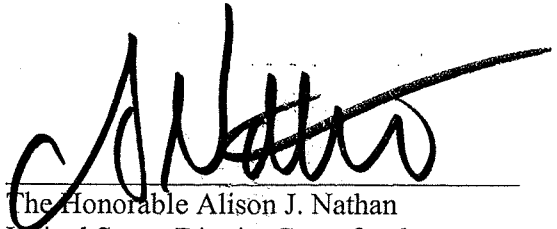
As specifically relevant to this request, Plaintiffs contend that the Khrapunov and Ablyazov families used the services of Eesh Aggarwal ("Aggarwal"), a financial adviser based in Dubai, United Arab Emirates, to move and launder stolen funds through the Federal Bank of the

### III. CONCLUSION

This Court, in the spirit of comity and reciprocity, hereby requests international judicial assistance in the form of this Letter of Request seeking information, documents, testimony, and things described herein, from the Ministry of Justice and Public Order. This Court extends to all judicial and other authorities of the Republic of Cyprus the assurances of its highest consideration.

Date:

March 29, 2017



The Honorable Alison J. Nathan  
United States District Court for the  
Southern District of New York  
Thurgood Marshall United States Courthouse  
500 Pearl Street, Room 1620  
New York, New York 10007-1312

SEAL OF THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF  
NEW YORK